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ABSTRACT

Mediation in special education is a process intended to assist parents, schools, and agencies in resolving disagreements regarding the special education program of a student with disabilities. A trained mediator works with the parties to guide them toward a mutually satisfactory solution that meets the best interests of the student. This occurs at a nonadversarial session which is more structured than a parent-school conference, but less formal than a due process hearing. This technical assistance paper contains an overview of special education mediation in Florida, an explanation of the process, a description of each party's role in the process, a comparison of mediation and due process hearings, answers to commonly asked questions about mediation, and copies of forms used in the process. The appendix contains the following forms: a request for mediation, mediation agreement, mediator evaluation of the mediation session, and participant evaluation of the mediation session.
(JDD)

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TECHNICAL ASSISTANCE PAPER

FLORIDA DEPARTMENT OF EDUCATION
DIVISION OF PUBLIC SCHOOLS
BUREAU OF EDUCATION FOR EXCEPTIONAL STUDENTS

#FY 1993-2 October, 1992	MEDIATION IN SPECIAL EDUCATION	Refer Questions to: Leslie Weaver (904) 488-1379 Suncom: 278-1379

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STATEMENT OF PROBLEM

An Overview

In General

Mediation of conflicts arising from special education is a relatively new procedure. It can be very advantageous for everyone involved in special education dispute resolution: parents, educators, the school system, and, of course, students.

This Technical Assistance Paper contains an overview of special education mediation in Florida, an explanation of the process, a description of each party's role in that process, how mediation compares to due process hearings, the answers to some commonly asked questions about mediation, and copies of forms used in the process. All of this is intended to be a foundational resource for people considering mediation in special education disputes.

Mediation in special education is a process intended to assist parents of children with disabilities, schools, and agencies in resolving disagreements regarding the special education program of a student with disabilities. Currently mediation is not available for disputes involving a student who is or is thought to be gifted.

A trained mediator works with the parties to guide them toward a mutually satisfactory solution that meets the best interests of the student. This occurs at a non-adversarial session which is more structured than a parent-school conference, but less formal than a due process hearing.

Mediation is a voluntary process that is optional for both parties. Because the mediation session is completely confidential, it encourages open communication.

THE COST OF SPECIAL EDUCATION MEDIATION

Special education mediation in Florida is at no cost to parents. The Bureau of Education for Exceptional Students and the district or public agency will underwrite mediation costs. The Bureau will pay mediator fees, and the cost of materials, administration, and training. The district or public agency will pay for travel, per diem, and communication.

REQUESTING MEDIATION

A request for mediation may occur when parents and schools reach an impasse after having made good faith efforts to resolve their differences through the individual educational plan (IEP).

EC301852

TECHNICAL ASSISTANCE PAPERS are produced periodically by the Bureau of Education for Exceptional Students to present discussion of current topics in the education for exceptional students. The TA Papers may be used for inservice sessions, technical assistance visits, parent organization meetings or interdisciplinary discussion groups. Topics are identified by state steering committees, district personnel, individuals, or from program compliance monitoring.

BEST COPY AVAILABLE

A request for mediation most likely will occur when parties are unable or unwilling to modify their positions without outside assistance.

Mediation may occur prior to or concurrent with a request for a due process hearing. It may not, however, in any way interfere with either the right to a due process hearing or with due process timelines. Mediation is not a necessary step prior to a due process hearing. It is an optional alternative.

Either the parent/educational surrogate parent or school district personnel may suggest mediation. If both parties agree to mediate, each must sign the **REQUEST FOR MEDIATION** form (see appendix) which is sent to the Bureau of Education for Exceptional Students. (NOTE: These forms are available in local exceptional student education administrative offices and can be requested from the Bureau of Education for Exceptional Students.)

THE MEDIATION PROCESS

Mediation is voluntary for both parties. Unless both parties agree to attempt mediation as a way to resolve their disagreement, a mediation session cannot be scheduled.

After a request for mediation signed by both parties is received by the Bureau of Education for Exceptional Students, a mediator is assigned. A mediation session generally is scheduled to occur within 14 calendar days of the assignment of the mediator.

The process of assigning a mediator addresses the need for specific knowledge in a given situation and the need to assure neutrality by assigning a mediator sufficiently removed, both geographically and professionally, from the school district.

Both parties receive written information identifying the mediator and providing basic guidelines governing the mediation session (as contained in this document).

Parties are contacted by the mediator to set the date, time, and location for the session, and to determine who participates in it. At the same time, the mediator answers any questions about the process and may request additional information from the parties.

Mediation sessions can take up to a full day. Generally, however, sessions can be completed in three to four hours, depending on the complexity of the issue(s). It is recommended that participants plan to set aside a full day, though the session may conclude in a shorter period of time.

THE MEDIATORS

The 54 people currently trained as educational mediators have diverse backgrounds. The group includes principals, teachers, psychologists, parents of children with disabilities, directors and coordinators of special education programs, advocates for the disabled, and attorneys.

All mediators are

- knowledgeable about state and federal laws related to education of students with disabilities;
- experienced with and effective in applying conflict resolution procedures, problem-solving approaches, and communication skills relating to interpersonal relationships;
- concerned about children with disabilities and their right to a free appropriate education.

All special education mediators in Florida have been trained and certified by the Justice Center of Atlanta Inc., Atlanta, Georgia.

WHO CAN PARTICIPATE

At the session, parties to the dispute -- the parent(s) and the school district's or agency's representative -- must have the authority to make decisions and to commit any resource agreed upon as the result of the mediation.

The number of participants in a mediation session must be kept to an absolute minimum to enhance the potential for effective problem-solving.

Participants, in addition to parties to the dispute, may be those (agreed to by both parties) who have knowledge of the child and the child's needs or who have specialized knowledge of the issue(s) in dispute.

It is important to note that the mediator makes the final decision as to who attends the mediation session.

ADVANTAGES OF MEDIATION

The purpose of a mediation process is to provide an **optional alternative** to the due process hearing as a way to resolve disagreements between parents and school personnel. Mediation is less costly and less adversarial than a due process hearing and is completely voluntary for both parties.

Mediation in special education can:

- resolve disagreements concerning identification, evaluation, or educational placement of a student;
- clarify issues causing the disagreement;
- provide those involved with uninterrupted opportunities to present their points of view;
- stimulate mutual problem-solving efforts;
- promote positive working relationships between parents and school personnel; and
- help parents and school personnel focus on what they have in common -- the student -- rather than on issues that divide them.

THE PROCESS OF MEDIATION

After the Parties Agree to Mediation

After the school district representative and the parents agree to mediate their educational dispute, the school or district representative (usually, the director of exceptional student education) sends a written request (see Appendix) for mediation to the Florida Department of Education, Bureau of Education for Exceptional Students.

In assigning the mediator, consideration is given to issues involved in the dispute and the need to assure objectivity and neutrality by assigning a mediator located geographically distant (beyond a neighboring county) from the agency or school district. Immediately after the assignment, the mediator contacts each of the parties by telephone to convey and/or discuss the following information:

- the mediator's role, and his/her name and telephone number;
- the structure and purpose of the mediation session;
- who may attend the conference, including any persons deemed necessary for assistance (This number must be kept to a minimum to maintain informality and open communication.);
- the amount of time required for the session; and
- the location for the mediation session (School districts may arrange for the session to be at a neutral site, such as library, public utility building, etc.).

The mediator determines from the school or agency representative the preferred dates, the times, and locations for the conference.

Parents confirm convenient date(s), time(s), and location(s) suggested by the school district, or agency and indicate whether an interpreter is needed either because of foreign language differences or deafness. If parents cannot be reached by phone, the mediator sends a letter (by certified mail, return receipt requested) which includes all of the information that would have been covered by phone.

Preparing for Mediation

In preparing for mediation, please consider the following information:

Mediation is scheduled within 14 calendar days of the request.

No material or information about the issues is sent to the mediator. All pertinent documents and records are shared at the mediation session. Apart from initial phone contact with parties and discussion of procedural issues, the mediator does not communicate with them or discuss issues of the case with them before mediation.

Parents and/or the school district or agency may bring an attorney, advocate, consultant, or advisor to help mediate an agreement. It is very important, however, that the number of participants be kept to a minimum.

All participants should set aside the entire day for the mediation session, though some sessions may last only half a day.

The mediator tries to clarify issues, discover previously omitted facts, and discourage overemphasis on irrelevant background, philosophical biases, and preconceived conclusions.

The mediator's role is to serve as a mirror for the parties from his/her viewpoint as a neutral third-party. The mediator is not, however, a judge or an arbitrator and s/he will not resolve the dispute. Because mediation is a problem-solving process and is non-adversarial, it works only if both parties make a good faith effort to reach an agreement.

To prepare for a mediation, both parties can do the following:

Clearly outline your position or view related to the dispute: What's involved? What are you disagreeing about?

Determine what you want from or are proposing for the other party.

Develop a list of alternatives or solutions that could be offered to settle the dispute. You may want to list the most important one first, next important second, and so on.

Ask others to react to your position, what you are seeking, the solutions you have developed, etc.

Decide if you need an advisor (attorney, advocate, consultant, etc.) to assist you in reaching an agreement. If you believe it will be difficult to participate in mediation by yourself, you may choose an advisor to represent your interests. As they work toward an agreement, the advisor must understand that mediation is not an adversarial procedure but a problem-solving process.

Think about solutions that may be both short-term or long-range. Perhaps some issues can be addressed on a short-term solution basis or for a trial period to evaluate its merit. Maybe a longer period is needed to decide if the solution is workable. Some solutions can be modified after they have been tested.

Negotiate with the attitude that in developing an agreement, it frequently is advisable to start with a plan that might work (though it may not be your first choice) and then later build on it or modify it as needed, rather than blindly adhere to your proposed solutions and get nowhere.

Recognize that mediation requires give-and-take of ideas and offers before an agreement can be reached. Because of this, mediation can be a very creative, spontaneous, and dynamic process for participants.

Remember to focus on the child's needs. Finding fault, fixing blame, making accusations, etc., sidetracks the aim of mediation.

THE ROLES OF PARTIES IN MEDIATION

The Mediator

The mediator is a neutral party working to resolve a dispute. In fulfilling this role, the mediator approaches the session free of bias, treating both sides with respect. Parties' rights to disagree courteously and with regard for others is encouraged.

The mediator

-- explains his/her role as a facilitator to assist parents and educators to reach an agreement;

-- listens to each party's view of the problem;

-- reviews records and documents as necessary;

-- helps identify issues to be mediated;

-- seeks statements from each party as to their position or points of disagreement, requesting clarification as necessary;

-- emphasizes present aspects of the case, limiting discussion of the past to that necessary for understanding and planning;

-- meets separately with each party and keeps discussions confidential; and

-- helps both parties, makes suggestions, delineates areas of agreement, but does not resolve the dispute.

At the mediation session's conclusion, the mediator does one of the following:

-- writes a clear, concise agreement (to be signed by both parties), stating names of programs, materials, schools, school personnel responsibilities, and parent responsibilities; or

-- terminates the session if it becomes evident that an agreement cannot be reached; or

-- recesses the mediation to be reconvened at a later date with new information if that alternative seems necessary to reach an agreement.

The Parents

The parents

-- approach the mediation in good faith, with the intention of reaching an agreement;

-- present their view, including all relevant information;

-- meet separately with the mediator during the session (the parent(s) may present sensitive material to the mediator privately);

-- ask for clarification whenever material or a point of discussion is not understood;

-- consider all aspects of the school district's program;

-- actively participate in the session and in designing the mediation agreement;

-- set aside the entire day for mediation though the session may last between three and four hours; and

-- if necessary, bring to the session an advisor (advocate, attorney, consultant, etc.) to help with the mediation process.

The School District or Agency

The school district or agency representatives:

-- approach the mediation in good faith, with the intention of reaching an agreement;

-- present their view, including all relevant information;

-- meet separately with the mediator when necessary;

-- ask for clarification whenever material or a point of discussion is not understood;

-- consider all aspects of the parent/guardian's point of view;

-- actively participate in the session and in designing the mediation agreement;

-- set aside the entire day for mediation though the session may last between three and four hours;

-- if necessary, bring to the session an advisor (attorney, consultant, etc.) to help with the mediation process;

-- locate a neutral setting for the mediation session (e.g., bank, public utility, city hall, library) that is free from interruption and has a room for private meetings; and

-- pay for the travel, per diem, and communication costs incurred by the mediator.

The Florida Department of Education

The Department of Education, Bureau of Education for Exceptional Students:

-- trains and provides in-service for educational mediators;

-- provides informational materials to parents, educators, and advocates interested in mediation;

-- assigns a mediator after the parties have agreed to mediate;

-- provides technical assistance to parents, educators, and advocates for their consideration and/or preparation for mediation;

-- evaluates and monitors the effectiveness of education mediation services for parents and educators in Florida; and

-- pays the mediator's fee, the cost of administration, and the cost of training and in-service.

MEDIATION COMPARED TO DUE PROCESS HEARINGS

Preparation

MEDIATION	DUE PROCESS
Parties agree to mediate and request mediator.	Parties usually make hearing request, parties likely obtain lawyers, school district requests hearing officer.
Parties gather basic information (e.g., school records).	Parties research, organize, prepare all possible evidence (documents and witnesses) and legal information.
Mediator briefly reviews intake information, portions of law.	Hearing officer conducts document exchange, reads all documents, reviews portions of law.

Session or Hearing

MEDIATION	DUE PROCESS
Non-adversarial. Negotiation and compromise, communication improved, emphasis on child and solutions.	Adversarial, polarizing, emphasis on law and winning.
Conference Style. Each presents views and hears opposing views in joint session; then speaks privately with mediator.	Litigation Style. Opening and closing arguments, direct and cross examination of sworn witness, introduction of evidence, objections.
Informal, confidential.	Formal, many participants, possibly observers.

Availability

MEDIATION	DUE PROCESS
Voluntary and optional process for either parent or school district.	Mandatory on request of either parents or school district.
Either party can reject request to mediate. Nonbinding on either party.	Due process binding on both parties once request made.

Role of Mediator or Hearing Officer

MEDIATOR	HEARING OFFICER
Impartial negotiator, facilitator, communicator.	Impartial decision maker, judge.
Guides process, maintains order of conference informally.	Controls hearing, questions witnesses, rules on objections.
Attempts to soothe feelings, find areas of agreement, suggest options and possible compromises; does not impose own views on parties or make decisions for them.	Elicits information needed; decides in favor of either party or formulates a decision suggested by neither (so long as supported by evidence).

Outcome

MEDIATION	DUE PROCESS
Agreement, written by mediator, expressing ideas of parties, signed by each party.	Findings of fact, conclusions of law, and decision written and signed by hearing officer.
Signature indicates willingness to abide by agreement, stake in outcome, commitment to its success.	Decision imposed by hearing officer binding on all parties (whether or not satisfied with it) unless reversed on appeal.
If agreement is not reached, can pursue due process hearing procedure.	Decision can be appealed to a state or federal court.

Attitudes of Parties

MEDIATION	DUE PROCESS
Varies from somewhat friendly although disagreeing to cold and formal, to extremely angry, to sad (tearful).	Generally cold, tense, awkward, some outbursts of anger, tears.
Allows for expression of emotion.	Minimal tolerance of emotional outbursts.
Communication often improved by mediation, some reconciliation, possible to work together in future.	Relationships often awkward after hearing, may be permanently damaged, often difficult to work together in child's interest in the future.

Costs

MEDIATION	DUE PROCESS
Time: A few hours for preparation, average three to eight hours for conference.	Time: Approximately 50 to 100 hours in preparation; average two days for hearing.
Money: Expenses of time lost from work (e.g., hiring substitute teacher); transportation and lodging for mediator, mediation fee, etc.	Money: More time lost from work; parties pay witnesses' travel, subsistence, expert witness fees (average $50 to $100 per hour), attorney's fees (average $50 and up per hour), hearing officer fees, travel, subsistence, court reporters, transcript fee, other administrative costs. Similar costs for appeal (if any).
Mediator's fee plus expenses represents about 1/10th of cost for hearing.	Costs for hearing borne by both parties; average several thousands of dollars.
Emotions: Mediation emotionally draining but most cases settled so that outcome usually satisfying.	Emotions: Hearings emotionally exhausting because lengthier, more adversarial; outcome rarely satisfying to both, sometimes to neither.

Scheduling of Session or Hearing

MEDIATION	DUE PROCESS
Usually can be set within 14 calendar days of mediation request.	Must be completed within 45 calendar days with a decision rendered unless the hearing officer agrees to an extension.
Mediation can be scheduled prior to or concurrent with a due process hearing request.	

QUESTIONS AND ANSWERS ABOUT MEDIATION IN SPECIAL EDUCATION

Q. *What is educational mediation?*

A. Mediation is an optional process offered to parents and schools and agencies. It is a way to resolve disagreements about identification, evaluation, individual educational plan, or placement of a student with disabilities. A mediator, an impartial third party, helps parents and educational representatives consider alternatives to the dispute. The mediator does not make decisions. It is possible that the mediator, through his/her experience, may generate suggestions and alternatives for both parties to consider; but unless they agree on these suggestions, the mediator will not push for their acceptance.

Mediation is more formal than a school conference or staffing, but is less formal than a hearing. The goal is to ensure that the child receives an educational program suited to his or her needs.

Q. *Who is it for?*

A. Educational mediation is for parents and school districts or agencies in conflict who believe they need a neutral third party to help resolve differences centering on a student with disabilities. At this time, the parents of a student who is or is thought to be gifted are not eligible to access this mediation process.

Q. *Is it legally required?*

A. No. Federal regulations and the Florida State Plan recognize the value of mediation as a conflict resolution procedure or as an alternative to due process hearings. It is a voluntary process.

Q. *What are its advantages?*

A. Mediation provides an informal, effective way for parents and schools to resolve differences. It promotes a positive relationship between the school and parents, is inexpensive (due process hearings may cost participants thousands of dollars), is structured for mutual problem-solving, and is less stressful than a formal proceeding and less time-consuming (hearings may be drawn out for months with delays, appeals, etc.).

Q. *Who may request it?*

A. Mediation may be requested by the child's parents, legal guardian, or surrogate parent, or the school district or a public agency.

Q. *When can mediation be requested?*

A. Mediation can be requested by either party, parents or school district or public agency, when it is believed that an impasse has been reached. Mediation can occur prior to or concurrent with a due process hearing request.

Q. *Where is mediation available?*

A. Educational mediation services are available from the Florida Department of Education (FLDOE) in Tallahassee. Mediators trained by FLDOE are available to assist school districts and parents upon request.

Q. *How does it work?*

A. Either party can ask for mediation services to resolve their dispute. This is called offering a request to mediate. Because mediation is voluntary and ptional, parties in dispute are not required to use it. However, before a mediator is assigned, both parties must agree in writing to participate in mediation.

Q. *How soon is mediation scheduled after requested?*

A. Mediation will be scheduled within 14 calendar days of the mediation request having been received at the Bureau of Education for Exceptional Students.

Q. *Can a participant bring other persons to the mediation session?*

A. Yes. Although parents or school district representatives can bring other people as advisors, to keep the session informal and manageable, the number of additional persons should be kept to a minimum.

Q. *Can advocates and/or attorneys participate?*

A. Yes. Advocates and attorneys can participate in representing the school district or public agency or parents. They can help clarify and assist the problem-solving process. Advocates and attorneys attending mediation sessions must know that mediation is not an adversarial procedure but a problem-solving process in which both parties want to reach an agreement, not fix blame. Advocates and attorneys can assist the parties in developing offers, finding solutions, and ultimately in writing the agreement with the mediator.

Q. *What happens to the child during mediation?*

A. During mediation, unless the school district and the child's parents agree otherwise, the child involved in the dispute should remain in his/her present educational placement, the program in which he/she is enrolled at the time of the request. If the child is not enrolled in any educational program, he/she may, with the consent of the parents, be placed in a public school program until a solution has been reached.

Q. *How long does mediation take?*

A. A mediation session can take up to a full day. There are times when it may take longer, depending on the complexity of the dispute. In a number of cases, mediation sessions have been successfully completed in half a day.

Q. *What should be the outcome?*

A. If mediation is successful, the outcome is a written agreement, which may be in the format of a proposed IEP for the child. The mediator assists in developing

alternatives to help the parties reconcile their differences in the dispute. If an agreement is reached, a written document prepared by the mediator and signed by all parties delineates the agreement.

Q. *Who should receive a copy of the agreement?*

A. Both the parents or guardians and the school district or public agency representative should receive a copy of the written agreement signed by both parties.

Q. *What if an agreement is not reached?*

A. If the parties are unable to come to an agreement at the mediation session, the mediator advises them of their right to request, in writing, a due process hearing if one is not pending.

Q. *Who pays for mediation?*

A. Special education mediation in Florida is at no cost to the parents. The Bureau of Education for Exceptional Students will pay for the mediator and the cost of materials, administration, and training. The district or public agency will pay for travel, per diem, and communications.

Q. *Who are the mediators, what are their qualifications and training?*

A. The 54 people currently trained as educational mediators represent diverse backgrounds, including principals, teachers, psychologists, parents of handicapped children, directors and coordinators of special education programs, advocates for the handicapped, and attorneys.

All mediators are:

- knowledgeable about state and federal laws related to education of students with disabilities;
- experienced with and effective in applying conflict resolution procedures, problem-solving approaches, and communication skills relating to interpersonal relationships; and
- concerned about disabled children and their right to a free appropriate public education.

These individuals have undergone intensive training in dispute resolution techniques and mediation. Training was conducted by the Justice Center of Atlanta Inc., Atlanta, Georgia.

Q. *What do mediators actually do?*

A. Mediators encourage open communication in a confidential setting. The mediator attempts to move parties in disagreement to a point of compromise through the use of diverse strategies. Because there is no one method to resolve problems associated with special education, the mediator is flexible in his/her approach to each new problem and to different personalities within each group.

Q. Can mediation delay or postpone a request for a due process hearing?

A. No. Mediation can occur prior to a hearing, but cannot delay or deny the parents', district's, or agency's right to a hearing and adherence to prescribed timelines.

APPENDIX

Forms for Use in Mediation

REQUEST FOR MEDIATION

MEDIATION AGREEMENT

MEDIATOR EVALUATION

PARTICIPANT EVALUATION

REQUEST FOR MEDIATION

We, the undersigned, request that a mediator be assigned to assist in resolving disagreements on the following issue(s):

_____

_____

_____

_____

_____

We have reviewed the procedures governing mediation in special education in Florida and understand that it is a voluntary process and not a requirement.

We agree to approach the session in an attempt to resolve our differences in a mutually satisfactory way and in the best interests of the student.

We understand that by voluntarily entering into mediation, neither party waives the right to due process.

We understand that the mediation session is confidential and agree not to compel the attendance of the mediator in future proceedings.

_____ School District/Agency

_____ Student's Name

_____ School District/Agency Representative Signature

_____ Parent/Guardian Signature

Date_____

Date_____

Please Print

Name_____

Address_____

_____ City State Zip

Phone(___)_____

Name_____

Address_____

_____ City State Zip

Phone(___)_____(Home)

Phone(___)_____(Work)

Submit to: Florida Department of Education
Bureau of Education for Exceptional Students -- Mediation Services
325 West Gaines Street, Suite 614
Tallahassee, Florida 32399-0400

WHITE COPY
Bureau of Education for Exceptional Students

YELLOW COPY
School

PINK COPY
Parent/Guardian

MEDIATION AGREEMENT

Name of Student _____

Date of Mediation _____

School District _____

Parties

_____ Parent/Guardian

_____ School District/Agency Representative

Other Participants *(Please include relationship to student)*

_____

_____

_____

_____

Terms of Agreement *(Use additional pages if necessary)*

_____

_____

_____

_____

_____

_____

_____

_____

_____ Parent/Guardian Signature

_____ School District/Agency Representative Signature

_____ Mediator's Signature

WHITE COPY
Individual Educational Plan Committee

YELLOW COPY
School

PINK COPY
Parent/Guardian

GREEN COPY
Bureau of Education for Exceptional Students

MEDIATION AGREEMENT (Cont.)

Name of student _____

Date _____

Terms of Agreement _____

WHITE COPY
Individual Educational
Plan Committee

YELLOW COPY
School

PINK COPY
Parent/Guardian

GREEN COPY
Bureau of Education for
Exceptional Students

Case Number _____
(for Bureau use only)

MEDIATOR EVALUATION

OF MEDIATION SESSION

In completing this evaluation, please do not use names identifying the individuals involved. The purpose of this form is to evaluate effectiveness of the special education mediation process in Florida.

You are encouraged to add comments for further explanation or clarification.

1. Briefly describe the issue(s) in dispute.

2. Child's age _____

3. Exceptionality area _____
(primary disability)

4. Participants in the mediation session in addition to the mediator: (Identify by category (e.g., parent(s), educational surrogate parent, advocate, special education director, teacher, principal, occupational therapist, etc.)

   Total number of participants _____

   Categories _____

   _____

   _____

   _____

5. Location of mediation session (e.g., public library, school, district administrative office, etc.)

6. Were the issues resolved? Please check one of the following:

_____ a. All issues were resolved

_____ b. Some issues were resolved

_____ c. No issues were resolved

If you checked a., please briefly describe the major elements of the agreement. (e.g., the extent of related services provided, placement, etc.).

If you checked b., please briefly describe both of the following:

major elements of agreement on resolved issues:

•

unresolved issue(s):

7. Was an individual educational plan committee meeting scheduled?

_____Yes _____No

If yes, how soon after the mediation session will it take place?

_____

8. Was the mediation session stopped before an agreement was reached? (Yes or No.)

If yes, why?

9. Was there any indication that a due process hearing would be requested? Please explain.

10. How long was the mediation session?

    from_____ to_____

11. Approximately how much time was spent in addition to the mediation session (phone calls, other preparations)?

12. Did any circumstances arise that you found difficult (or felt unprepared) to handle? _____Yes _____No Please Explain.

13. Based upon your experience in this mediation session, are there changes or additions you recommend in the initial training or on-going in-service provided to mediators? Please explain.

14. Do you have recommendations for enhancing effectiveness of mediation sessions or the special education mediation process as implemented in Florida?

15. Additional comments/suggestions

Mediator _____

Date of Mediation Session _____

Case Number _____
(for Bureau use only)

PARTICIPANT EVALUATION

OF MEDIATION SESSION

In completing this evaluation, please do not use names identifying the individuals involved. The purpose of this form is to evaluate the effectiveness of the special education mediation process in Florida.

You are encouraged to add comments for further explanation or clarification.

Please check one of the following describing your role in the mediation session.

_____school district's representative _____parent

_____public agency representatives

_____other (please explain: teacher, principal, occupational therapist, advocate, etc.)

* *

1. Have you ever participated in mediation before today's session?

   _____Yes _____No

   If yes, please explain.

2. How did you learn about Florida's special education mediation process?

3. Overall, how did you feel about the mediation process? Please check one of the following:

   _____very satisfied _____not satisfied

   _____satisfied _____unsure

   Please explain.

4. Were you satisfied with the mediator? Please check one of the following:

_____very satisfied _____not satisfied

_____satisfied _____unsure

Please explain.

5. In your opinion, was the mediator impartial (free from bias)?

_____Yes _____No

Please explain.

6. Were you given the opportunity to discuss issues that were important to you?

_____Yes _____No

Please explain.

7. Was your dispute resolved to your satisfaction? (Please check one)

_____completely

_____partially

_____not at all

Please explain.

8. Would you use mediation again if you had the opportunity to do so?

_____Yes _____No

Please explain.

9. Would you recommend the special education mediation process to others?

_____Yes _____No

Please explain.

10. Other comments:

Please enclose the completed form in the envelope provided and mail it to:

FLORIDA DEPARTMENT OF EDUCATION
Bureau of Education for Exceptional Students - Mediation Services
325 West Gaines Street, Suite 614
Tallahassee, Florida 32399-0400

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